

ORDER

1650.18

FOREIGN AIRPORT ASSESSMENT PROGRAM



December 18, 1991

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

Distribution: A-W(CS/IA/GC)-2; A-X(CS)-3; A-X(GC)-2;
A-Y(CS)-2; A-Z(CS)-2; A-FCS-0(MAX)

Initiated By: ACO-110

RECORD OF CHANGES

DIRECTIVE NO.

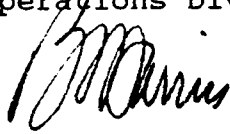
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FOREWORD

This order prescribes policy, delegates authority, and assigns responsibility for ensuring agency compliance with Section 551 of the International Security and Development Cooperation Act of 1985, Public Law (P.L.) 99-83, which pertains to the assessment of the security measures used at certain foreign airports. This order informs aviation security personnel at all levels what is expected of them in the implementation of the Foreign Airport Assessment Program. It also instructs all persons regarding the proper handling of the information generated from the conduct of foreign airport assessments.

This order provides standards, procedures, guidance, and direction for the implementation of the program. Questions and problems that may arise should be referred to the Security Operations Division, ACO-100, for assistance.



Barry Lambert Harris
Acting Administrator

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CHAPTER 1. GENERAL

SECTION 1. INTRODUCTION

1. PURPOSE. This order establishes and describes the policies, standards, and procedures essential to the implementation of the Foreign Airport Assessment Program as prescribed by Section 551 of the International Security and Development Cooperation Act of 1985, Public Law (P.L.) 99-83 (Appendix 1).

2. DISTRIBUTION. This order is distributed to the division level in the Offices of Civil Aviation Security (ACS), International Aviation (AIA), and Chief Counsel (AGC) in Washington headquarters; branch level in the regional Civil Aviation Security Divisions (CASD) (including AEU), the Air Security Branch of each CASD; the Civil Aviation Security Division at the Mike Monroney Aeronautical Center (AAC); Assistant Chief Counsels; the Civil Aviation Security Staff at the FAA Technical Center (ACT); the Transportation Safety Institute (DMA-609); and to all Civil Aviation Security Field Offices, Units, and Posts of Duty.

3. BACKGROUND. In June of 1985, a series of tragic international aviation-related events occurred which had a profound impact on the world. On June 14, Trans World Airlines Flight 847, en route from Athens to Rome, was hijacked by armed terrorists. During that hijacking, the terrorists murdered a U.S. serviceman and took 39 other U.S. citizens hostage. Also, on June 23, an Air India B747 mysteriously disappeared over the Irish Sea with the catastrophic loss of all 329 persons aboard; sabotage was determined by the Government of India to be the cause. Bomb explosions also occurred in 1985 at airports in Frankfurt and Rome, as well as at several other international airports, and at the end of the year there were simultaneous terrorist attacks at airports in Rome and Vienna. These terrorist events resulted in deaths and injuries. As a result of this type of activity, on August 8, 1985, the U.S. Congress enacted P.L. 99-83, the International Security and Development Cooperation Act of 1985. Section 551 of the law charged the Secretary of Transportation with the conduct of assessments and analyses of the security measures at certain foreign airports, using at a minimum, the Standards and Recommended Practices of Annex 17 to the Convention on International Civil Aviation adopted by the International Civil Aviation Organization (ICAO). At the same time, ICAO quickly amended Annex 17 by adopting more stringent aviation security specifications, most of which became applicable on May 19, 1986.

4. AUTHORITY TO CHANGE THIS ORDER. The Administrator reserves the authority to approve any changes which establish policy, delegate authority, or assign responsibility. The Assistant Administrator for Civil Aviation Security may issue changes to this order, as necessary, to implement and manage the Foreign Airport

Assessment Program. Exceptions to the requirements and standards prescribed herein must have the specific prior approval of the Assistant Administrator for Civil Aviation Security.

SECTION 2. FOREIGN AIRPORT ASSESSMENT PROGRAM AUTHORITY

5. POLICY. All appropriate FAA organizations shall vigorously enforce the procedures and standards prescribed in this order to ensure successful implementation of the Foreign Airport Assessment Program.

6. PROGRAM AUTHORITY. The authority to conduct the foreign airport assessments comes from the delegation by the Secretary of Transportation under Section 551 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83), which amended the Federal Aviation Act (FAAct) of 1958, as amended. Section 551 is titled Security Standards for Foreign Air Transportation.

7. APPLICABILITY. This order applies to all FAA personnel involved with the planning, management, or conduct of the Foreign Airport Assessment Program. Each such person is responsible for adherence to this order.

8.-15. RESERVED.

SECTION 3. RESPONSIBILITIES

16. GENERAL. The Congress gave the Secretaries of Transportation and State responsibility for implementing certain portions of the law as listed below. The Secretary of Transportation determined that the effective implementation of Section 551 of P.L. 99-83 required complex and well-coordinated interaction of several offices within the Department of Transportation (DOT) and that the delegation of most of these responsibilities was, therefore, necessary. In these delegations, the persons/organizations listed below were given primary responsibility for implementing certain portions of Section 551 of P.L. 99-83 and must perform these responsibilities in coordination with other persons/organizations.

17. THE OFFICE OF THE SECRETARY OF TRANSPORTATION.

a. Determination of Ineffective Security Measures. The Secretary of Transportation reserved the authority given by P.L. 99-83 to make the determination that a foreign airport does not maintain and administer effective security measures.

b. Delegations Within the Office of the Secretary. Several delegations of authority were made by the Secretary of Transportation to persons within the Office of the Secretary: the Director of Intelligence and Security, the Assistant Secretary for Policy and International Affairs, the General Counsel, the Deputy General Counsel of the DOT, and the Office of Intelligence and

Security, S-60. These delegations pertain mostly to activities to be taken pursuant to a Secretarial determination of ineffective security measures.

18. THE SECRETARY OF STATE.

a. Information Regarding Terrorist Threat. P.L. 99-83 requires the Secretary of State to provide information to DOT regarding the terrorist threat existing in each country having airports assessed under the program.

b. Information Regarding Airports Posing High Risk of Danger. The Secretary of State is also required to provide information regarding which airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

c. Travel Advisories. When the Secretary of Transportation determines that an airport does not maintain and administer effective security measures and, after consultation with the Secretary of State, determines that a condition exists that threatens the safety and security of passengers, aircraft, or crew traveling to or from such airport, the Secretary of State must issue a travel advisory concerning that airport. If the Secretary of Transportation determines that an airport does not administer and maintain effective security, but has not determined that a situation exists that threatens the safety of passengers, aircraft, or crew, the Secretary of State has the option of issuing a travel advisory. In the former circumstance, the issuance of a travel advisory by the Secretary of State is mandatory, whereas, in the latter circumstance, the issuance is discretionary.

19. THE FEDERAL AVIATION ADMINISTRATOR.

a. Conducting the Assessments. The Secretary of Transportation delegated the authority for conducting the assessments to the FAA Administrator, in coordination with the Assistant Secretary for Policy and International Affairs and the General Counsel of the DOT.

b. Consultation Requirements. The consultation requirements with the Secretary of State have also been delegated to the Administrator in coordination with the Assistant Secretary and the General Counsel.

c. Public Notification Requirement. When the public notification activities take place because of a Secretarial determination of ineffective security measures, the Administrator must cause the identity of such an airport to be posted and prominently displayed at all U.S. airports served by regularly

scheduled air carrier operations. This duty has also been delegated to the Administrator in coordination with the Assistant Secretary and the General Counsel.

20. THE OFFICE OF CIVIL AVIATION SECURITY (ACS).

a. Determination of Allocation of Resources. ACS is charged by the Administrator with managing the Foreign Airport Assessment Program. The Security Operations Division, ACO-100, shall determine the proper allocation of resources, including the frequency of the assessments, and any other criteria necessary to effectively manage the program.

b. Program Evaluation Role. To provide for program evaluation, security specialists from ACS-100 shall participate in a minimum of two assessment trips annually for airports within their assigned area. Evaluation reports shall be submitted to the responsible region and ACS-100.

c. Review of Reported Security Measures Needing Enhancement or Improvement. ACO-100 shall review relevant information pertaining to every assessment conducted and shall ensure that proper actions are taken when headquarters analysis of the security measures used at a foreign airport indicates that the security measures at the airport need enhancement or improvement. In those cases, ACO-100 works with the responsible region to determine the extent of the security concerns and whether they can be or have been corrected. If security measures needing improvement cannot be promptly and satisfactorily corrected, ACO-100 informs ACS-1, Office of International Aviation (AIA-1), and Office of Chief Counsel (AGC-7) so that the Administrator and the Secretary can be notified.

d. Training Coordination with Other Government Agencies. ACO-100 must coordinate with the DOS Washington and other appropriate Government agencies on aviation security training provided to a foreign government. Regional offices shall inform and coordinate in advance with ACO-100 and 200 on all proposed regional security training and seminars. Any such training related to the Foreign Airport Assessment Program requires prior approval of ACS-100.

21. AIR CARRIERS AND THEIR AGENTS. Under P.L. 99-83, every U.S. and foreign air carrier and their agents providing service between the United States and an airport which is the subject of the Secretarial determination of ineffective security is required to provide written notice of such determination to any passenger purchasing a ticket for transportation between the United States and to or through such airport.

22. REGIONAL OFFICES. Regional managers are responsible for providing letter reports of the assessment findings to the host country through the U.S. Ambassador who has responsibility for that country. The letter reports are prepared in the regional CASD's approved for transmittal by ACO-100 and are normally signed by the regional administrator. The letter reports are addressed to the host country government officials with a cover letter addressed to the U.S. Ambassador. These letters will be sent in a timely manner to respective addressees after content approval by ACS-100. Further discussion regarding letter report format and release is provided in Chapter 4 of this order.

23. REGIONAL CIVIL AVIATION SECURITY DIVISIONS. The regional CASD's are responsible for the overall planning and coordination of personnel and resources needed to conduct assessments of the foreign airports for which they have geographic responsibility. The CASD's develop regional procedures and guidelines essential to the accomplishment of foreign airport assessments. They also ensure compliance with P.L. 99-83, this order, and the ACO-100 approved annual assessment schedule. All CASD's, through the principal security inspectors (PSI), will also provide ACO-100 with air carrier scheduling changes and any other changes affecting the airports subject to assessment under P.L. 99-83.

a. The Liaison Role of CASD's. Furthermore, the regional CASD's serve as liaison with the appropriate embassies and consulates of the DOS and the host governments having airports subject to assessments and other visits within their jurisdictions. CASD's must coordinate with the appropriate embassies or consulates of the DOS on every assessment trip and all other visits, including followup visits, and air carrier station inspections of U.S. air carriers and of foreign carriers subject to 14 CFR Part 129. CASD's will notify AIA-1 after assessment trips or other visits have been coordinated with the appropriate embassies or consulates.

b. Electronically Transmitted Messages Originating with Regional Offices. See paragraph 156 for instructions dealing with electronically transmitted messages.

24. THE OFFICE OF INTERNATIONAL AVIATION. AIA will be informed by ACO-100 when an analysis of the security measures at an airport reveals that there are security measures needing improvement that have not been satisfactorily resolved. In these situations, AIA will provide information about the country in which the airport is located.

25. THE UNITED STATES AMBASSADOR. The U.S. Ambassador in the host country has full responsibility for the direction, coordination, and supervision of all nonmilitary U.S. Government employees in that country. This, of course, includes all official business conducted by FAA personnel on assessments or other visits.

26.-35. RESERVED.

SECTION 4. REPORTS

36. SEMIANNUAL REPORT TO CONGRESS. Under Section 315(a) of the FAA Act of 1958, as amended, the FAA is required to submit semiannual reports to Congress on the effectiveness of the Civil Aviation Security Program. One of the required report sections pertains to a summary of the assessment of security measures maintained at those foreign airports subject to assessments under P.L. 99-83. There are approximately 200 foreign airports assessed under this program--the number fluctuates as carrier routes change.

37. REPORT TO CONGRESS ON ACTION TAKEN UNDER P.L. 99-83. When the Secretary of Transportation determines that an airport does not maintain and administer effective security measures and the security at that airport is not brought up to the minimum assessment criteria within the specified timeframe, not to exceed 90 days, the Secretary must ensure that a number of public notification steps are taken. In those cases when public notification is necessary, the Secretary of Transportation must promptly submit a report to Congress (with a classified annex, if necessary) on any action taken, setting forth information concerning the U.S. Government activities to secure the cooperation of the foreign government in meeting the minimum assessment standards. The FAA CASD having geographic responsibility for a foreign airport that becomes the subject of a Secretarial determination shall keep records of the security deficiencies noted, the training and assistance provided by the United States, and any other relevant information for possible inclusion in the report to Congress.

38. ANNUAL ASSESSMENT SCHEDULE REPORT. This report will be formulated annually by ACO-100 (on a fiscal year basis) to establish the schedule of the foreign airport assessments mandated by P.L. 99-83. ACO-100, in coordination with the regions having geographic responsibility for assessments (responsible regions), will determine the annual frequency of the assessments and other visits at each airport subject to P.L. 99-83 during the fiscal year. ACO-100 will request intelligence updates and threat information from the Office of CAS Intelligence (ACI) to determine if the frequency is appropriate. Other visits, such as followup visits and training that could not be scheduled in advance, shall be approved by ACO-100 and then coordinated with the appropriate embassy/consulate. Each responsible region will submit a proposed schedule to ACO-100 annually, on or before August 1, based on guidance provided by ACO-100. ACO-100 will then review the proposed schedule and the information provided by ACI and will provide the responsible regions with the approved schedule on or before September 1. Principal security inspector's, through their appropriate security divisions, must notify ACO-100 immediately of any air carrier scheduling changes and any other changes affecting

the airports subject to assessment under P.L. 99-83. Notwithstanding the above, the frequency of assessments or other visits may be changed at the discretion of ACS-1 should the need arise.

39. FEDERAL AIR MARSHAL BRIEFINGS AND REPORTS. An additional source of information for some foreign airports is the trip report filed at the completion of a Federal Air Marshal (FAM) mission. FAM's are briefed on the latest assessment findings prior to their departure on a mission and shall report foreign airport security concerns both orally to ACO-140 and in this written trip report. These concerns shall be forwarded to the responsible region(s) for followup action.

40. FOREIGN AIRPORT ASSESSMENT REPORTS. A report must be written for each airport assessed. It shall contain a concise, objective statement of the observations made during the assessment and will represent a team consensus. Assessment reports, containing an analysis of the airport's security measures and their effectiveness, will be sent to ACO-100 within 15 working days after completion of the assessment trip. Regardless of any regional followup activities that may occur, for the purposes of this order, an assessment trip is completed when the assessment team returns to the responsible region's office. If significant concerns are noted, the team shall notify ACO-100 and the responsible region immediately of the concerns, using a secure telephone unit, and shall forward a report of finding as soon as possible to ACO-100.

41. LETTER REPORTS. For each assessment written there must be two draft letters sent to ACO-100 with the assessment report. One letter is to the U.S. Ambassador/Consul General having geographic responsibility for the jurisdiction within which the airport(s) assessed is (are) located. The other letter is to the appropriate host government official and conveys the results of the assessment.

42. ADDENDUM AND OTHER SUPPLEMENTAL INFORMATION TO THE AIR CARRIER STATION INSPECTION REPORTS. Addendum to reports on all Parts 108 and 129 air carrier station inspections at all foreign airports served by U.S. air carriers subject to Section XV B or C of the Air Carrier Standard Security Program (ACSSP) and supplemental information to the foreign airport assessment program shall be submitted to ACS-100. Such Addendum to the air carrier station inspection reports shall be submitted to the principal security inspectors for the carriers serving those airports. Any supplemental information to previous assessments must be classified following procedures described for foreign airport assessment information.

43. TRIP REPORTS. In the event that a foreign airport visit occurs for security related purposes other than conducting an airport assessment or an air carrier station inspection, a trip

report shall be submitted to ACO-100 and the responsible CASD. At a minimum, this report shall include the following: the purpose and background of the visit, the dates of the visit, the participants' specific descriptions of the significant activities of the visit, and any followup or recommended actions resulting from the visit. A trip report may also be submitted to ACO-100 when an assessment report is submitted if ACO-100 or the regional office determines that supplemental information is warranted. ACS-1 will provide AIA-1 with pertinent trip reports.

44. PROGRAM EVALUATION TRIP REPORT. Upon completion of a program evaluation trip (see paragraph 20b), the security specialist conducting the evaluation shall brief the appropriate CASD personnel and submit a written report evaluating the assessment/visit. This report shall be transmitted to the responsible division manager by ACO-100.

45.-55. RESERVED.

SECTION 5. DEFINITIONS

56. THE ADMINISTRATOR. Use of the phrase "the Administrator" refers to the Federal Aviation Administrator or his/her authorized designee.

57. ASSESSMENT. An assessment is a scheduled, onsite formal evaluation of a foreign airport, mandated by P.L. 99-83, to determine the extent to which foreign aeronautical authorities effectively maintain and administer security measures. For the purposes of this order, an assessment includes pretrip preparation by security specialists, pretrip preparations by responsible regions, the pretrip briefing conducted for the assessment team prior to contacts with host government officials, entry and exit briefings conducted by the assessment team with required U.S. and foreign officials, airport activities, the report writing and review at all levels, and the coordination requirements as set forth in subsequent sections. The completion of the assessment will occur when "...an analysis of the effectiveness of the security measures..." at the assessed airport is conducted by ACO-100.

58. ASSESSMENT TEAM. This team shall consist of one team leader and one team member under normal circumstances. Any deviation from this requirement must be approved in advance by ACO-100.

59. DERIVATIVE CLASSIFICATION. Derivative classification is the act of incorporating, paraphrasing, restating, or generating in new form classified source information; information which previously has been assigned a classification level. Such information must be marked in a manner that is consistent with the markings of the

source information. Such information may be derived from an original classification action, from a classified source document, or may be classified based on a classification guide.

60. FOREIGN AIRPORT ASSESSMENT INFORMATION. Information obtained through the conduct of the foreign airport assessments and other visits is foreign government information as defined by Executive Order (E.O.) 12356. This includes information provided to the FAA by host governments and that which is observed and otherwise gathered regarding procedures and practices of foreign civil aviation security programs. Information so defined must be classified as National Security Information and appropriately controlled.

61. INFORMATION RELEASE. The term includes, but is not limited to, the permitting of access to or the disclosure of information classified by this order in reports, synopses, working papers, articles, conferences, speeches, photographs, brochures, displays, graphics, presentations, etc.

62. LAST POINT OF DEPARTURE AIRPORTS. This term, abbreviated LPOD airports, includes those airports subject to assessment under P.L. 99-83 which are not served by U.S. air carriers yet serve as the last point of departure for foreign (Part 129) carriers directly serving the United States from that airport.

63. ORIGINAL CLASSIFICATION. Original classification is the initial determination that information requires protection against unauthorized disclosure in the interest of national security and a designation of the level of classification. Original classification action is required when new information is developed which requires protection against unauthorized disclosure and which cannot reasonably derive its classification from other classified material. Within the FAA, only two people have this authority; the Administrator and the Assistant Administrator for Civil Aviation Security.

64. OTHER VISITS. These are scheduled and unscheduled onsite visits to foreign airports assessed under P.L. 99-83 from which information gained will not, by itself, result in public notification activities or sanctions mandated by the law but will augment information gained through the assessments. Either air carrier station inspection reports and/or trip reports will be written by the team, depending upon the nature of the trip.

a. Examples of Other Visits. Examples of other visits include air carrier station inspections of U.S. and Part 129 air carriers, assessment followup visits, technical assistance trips deemed necessary to assist foreign officials in the improvement of security measures, discussion trips with DOS authorities and/or host government officials, or for other purposes deemed necessary

by the Secretary of Transportation or the Administrator. Air carrier station inspections will be conducted in conjunction with airport assessments and may be conducted as a part of other visits.

b. Air Carrier Station Inspections and Hazardous Material Inspections. Air carrier station inspections of all U.S. carriers and those foreign carriers with flights directly serving the United States from the foreign airport, and hazardous materials inspections of all U.S. air carriers, will be done in conjunction with an assessment visit to an airport.

65. THE SECRETARY. Use of the phrase "the Secretary" refers to the Secretary of Transportation or his/her authorized designee.

66.-74. RESERVED.

CHAPTER 2. SECURITY INFORMATION

75. PURPOSE. The purpose of this chapter is to establish procedures for the handling of information derived from the conduct of foreign airport assessments, which is consistent with E.O. 12356, National Security Information, and Order 1600.2C, National Security Information. Because most of the information derived from the conduct of foreign airport assessments is foreign government information as defined by E.O. 12356, it must be classified.

76. GENERAL. Due to the growing number of requests for certain foreign airport assessment information from both government and nongovernment sources and the continuous growth in the volume of the information, the potential for inadvertent release was growing. As a result, ACS-1 made the decision to classify all such information beginning July 1, 1988. Information obtained during foreign airport assessments is foreign government information as defined by E.O. 12356 and must be appropriately classified and marked in accordance with Order 1600.2C, National Security Information.

77. AUTHORITY FOR CLASSIFICATION. Material identified as national security information, in accordance with this order, is classified under the authority of the Assistant Administrator for Civil Aviation Security, ACS-1. This order is issued pursuant to E.O. 12356 and by the authority delegated to ACS-1 by the Secretary of Transportation in Order DOT 1640.4C, Classification, Declassification, and Control of National Security Information. This order constitutes authority and shall be cited as the basis for classifying foreign airport assessment information and supersedes FAA Action Notice A1650.4, Security Classification of Foreign Airport Assessment Information. Order 1600.2C details the specific procedures for marking, storing, transmitting, downgrading, declassifying, and destroying classified information.

78. REQUESTS FOR INFORMATION. All requests concerning the release of information classified by this order should be forwarded for action to the office of primary responsibility (OPR):

Assistant Administrator for Civil Aviation Security, ACS-1
Federal Aviation Administration
800 Independence Avenue, SW.
Washington, DC 20591

79. CLASSIFICATION PROCEDURES. Information derived from foreign airport assessments must be marked and safeguarded as required for the intended classification then forwarded to the OPR for review. Information originally classified by a foreign government or international organization retains its original classification designation and must be assigned a U.S. designation that provides protection at least equivalent to that provided by the originator of the information (see paragraph 79a). Order 1600.2C

details specific procedures for the marking, storage, transmission, downgrading, declassifying, and destruction of classified material.

a. When to Classify Information. The information derived from foreign airport assessments becomes classified at the appropriate level when a description of the security measures of a foreign airport are specifically identified with that airport. Information that has been classified by the host government and provided to the FAA team is classified and must be handled as such. FAA security specialists are required to keep the assessment information separate from the evaluation form while conducting an assessment and during travel. Also, the specific airport may not be identified in unclassified field notes that include specific airport information. Once an evaluation form is partially or totally filled with information classified under this order, the information on that form is classified and must be marked and handled accordingly. Assessment report forms will ONLY be filled in at FAA headquarters, regional, or field offices.

b. Assessment Trip Notes. Notes taken during an assessment visit must NOT be entered on a blank assessment report form while on an assessment trip. These notes must be kept separate from the assessment form and should be sufficiently detailed so that memory alone is not the basis for completion of the form. In all cases, notes containing security information specifically identifying the assessed airports by name shall become national security information and will be appropriately protected and handled. These notes must be kept either with the security specialists at all times or they must be stored in an appropriate storage container as defined by Order 1600.2C. Upon ACO-100 approval of the assessment reports, notes pertaining to the assessment shall be destroyed.

c. Review of the Classification Level by Headquarters. Documents reflecting classification markings consistent with this order will be included in a system of records managed by ACO-100. If the information is classified at an inappropriate level, the OPR will notify the originating organization of the approved level of classification. If a determination is made that the information should be unclassified, the OPR shall notify the originating organization to ensure that it is immediately declassified, marked with FOR OFFICIAL USE ONLY, and safeguarded as prescribed in Order 1600.15D, Control and Protection of "For Official Use Only" Information.

d. Marking of Foreign Airport Assessment Documents. All foreign airport assessment documents with relevant or specific information entered in report sections that warrant classification, and associated notes, will be marked by the regional divisions or field organizations in coordination with the regional division. The level of classification will usually be CONFIDENTIAL. In those cases when the host government provides information on the level of

classification that it has assigned the information, such information will be classified at the level at least equivalent to that which the host government had assigned.

Note: Foreign Marking Equivalents. Foreign government information or international organization information retains the classification designated by its originator or is assigned a U.S. designation providing protection at least equivalent to that provided by the originator.

e. Review by Regional Organizations for Classification Level and Markings. Within 30 days from the date of origin of a final document, regional divisions, or field organizations at the direction of regional divisions, will review the documents to ensure that such documents are correctly marked and retained and that all working papers are appropriately destroyed in accordance with Order 1600.2C.

f. Regrading and Declassification. In accordance with Order 1600.2C, all materials which may require regrading or declassification will be transmitted to the OPR for review and appropriate action.

80. CLASSIFICATION OF FIELD PROCEDURES. Field procedures, as well as directives, procedures, or statements of policy to implement this order, may be classified at the direction of the OPR.

81. REQUESTS FOR WAIVERS. If the security classification level contained in the classification categories is not operationally feasible or if specific conditions exist which may warrant deviation, requests for deviations shall be submitted through the CASD's to the OPR. Such requests must include complete justification and rationale for the recommended classification level. Pending final decision, the items of information shall be safeguarded as if classified at the higher level in question. The OPR will make a final decision on the classification level within 30 days and shall notify holders of the information. All users of this order are encouraged to make recommendations, in writing, for its improvement and updating as appropriate, including information on operational impact.

82. SHARING FOREIGN AIRPORT ASSESSMENT INFORMATION. The ONLY foreign aviation security information that may be discussed with or transmitted to a country is that which is derived from airport assessments in that country. This coordination with foreign governments is necessary to communicate security concerns and suggest corrective actions. Documents transmitted to foreign governments which contain information classified by this order will be marked and handled in accordance with Order 1600.2C.

83. SECURE COMMUNICATION. Information pertaining to specific security measures at foreign airports assessed under P.L. 99-83 is classified under this order. When it is necessary to discuss this information over the telephone, one must use secure telephone lines, Secure Telephone Unit (STU) II's and III's, and follow other appropriate protection measures as defined by Order 1600.2C, National Security Information.

84.-95. RESERVED.

CHAPTER 3. U.S. AND INTERNATIONAL CIVIL AVIATION ORGANIZATION
(ICAO) REGULATORY BASIS

SECTION 1. PUBLIC LAW 99-83.

96. GENERAL. P.L. 99-83 amended Section 1115 of the Federal Aviation Act of 1958 and tasked the Secretary of Transportation with assessing the effectiveness of the security measures maintained at those foreign airports served by U.S. air carriers, those foreign airports from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and those foreign airports which the Secretary deems appropriate and using, at a minimum, the Standards and Recommended Practices contained in Annex 17 to the Convention on International Civil Aviation as those Standards and Recommended Practices are in effect on the date of such assessment.

97. NOTIFICATION AND OTHER REQUIREMENTS UNDER P.L. 99-83.

a. Host Government Notification. When, as a result of an assessment, the Secretary makes a determination after consultation with the Secretary of State that security measures are not effectively maintained and administered, the foreign government is notified of the determination by the Secretary's office. The notification includes a detailed list of the security measures of concern found as well as the corrective measures suggested. This notification starts a time period, not to exceed 90 days, during which corrective actions must be taken to preclude the imposition of public notification of the identity of the airport and other possible sanctions.

b. Travel Advisory Due to Threatening Conditions. If, at any time, the Secretary determines that conditions exist which threaten the safety or security of passengers, aircraft, or crew, the Secretary shall take the public notification steps and shall inform the Secretary of State so that a travel advisory can be issued.

c. Public Notification. The following are the public notification activities required by P.L. 99-83.

(1) Publishing the identity of such airport in the Federal Register;

(2) Causing the identity of such airport to be posted and prominently displayed at all U.S. airports regularly being served by scheduled air carrier operations;

(3) Notifying the news media of the identity of such airport; and

(4) Providing written notice of the Secretary's determination to any passenger purchasing a ticket for travel between the United States and such airport.

98. MORE STRINGENT ACTIONS UNDER P.L. 99-83.

a. Imposition of Operating Authority Conditions. The Secretary may, after consultation with the appropriate aeronautical authorities of the foreign government concerned and each U.S. air carrier serving such airport, withhold, revoke, or impose conditions on the operating authority of any U.S. air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport.

b. Prohibition of Service. Pursuant to a Secretarial determination, the President may prohibit U.S. and foreign air carriers from providing service between the United States and any foreign airport which is directly or indirectly served by aircraft flying to or from an airport which is the subject of Secretarial determination.

c. Suspension of Service. Whenever the Secretary determines that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport and the public interest requires an immediate suspension of services between the United States and the identified airport, the Secretary shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any U.S. or foreign air carrier to engage in foreign air transportation to or from that foreign airport and suspend the right of any person to operate aircraft in foreign air commerce to or from that foreign airport.

99.-105. RESERVED.

SECTION 2. PARTS 108 AND 129 OF THE FEDERAL AVIATION REGULATIONS

106. GENERAL. Parts 108 and 129 of the Federal Aviation Regulations (FAR), respectively, require U.S. air carriers and foreign air carriers serving the United States to have and implement FAA-mandated security programs. The FAA conducts air carrier station inspections of all U.S. carriers' stations abroad, and of all foreign carriers' last point of departure stations to assure compliance with these regulations.

107.-110. RESERVED.

SECTION 3. THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

111. GENERAL. The charter of ICAO was created on December 7, 1944, when 52 governments met in Chicago, Illinois, to draw up and

sign the Convention on International Civil Aviation (Document 7300/6), better known as "The Chicago Convention". ICAO became a specialized agency of the United Nations in 1947. A Contracting State is one which is signatory to the Chicago Convention and therefore is a member State of ICAO.

a. Objective. The primary objective of ICAO is to provide for the safe, orderly, and efficient development and use of international air transport for the use of the peoples of the world.

b. Organizational Structure. The plenipotentiary body of ICAO is the Assembly, which meets in regular session once every 3 years. The Assembly consists of all member States and one of their main functions is to adopt resolutions. A Council, consisting of 33 member States elected by the Assembly, is ICAO's executive and governing body. The Council is a permanent body, responsible to the Assembly, and its principal function is to adopt international Standards and Recommended Practices. Subordinate bodies of the Council are the Air Navigation Commission, Air Transport, Finance, Joint Support, Legal and Unlawful Interference Committees. The Council elects its President and also elects a Secretary General to head the Secretariat which is located at its headquarters in Montreal, Quebec, Canada. The Secretariat, which is composed of five bureaus, handles the administrative functions on all matters decided upon by the Council. ICAO has seven regional offices located at Bangkok, Thailand; Cairo, Egypt; Dakar, Senegal; Lima, Peru; Mexico City, Mexico; Nairobi, Kenya; and Paris, France. Each ICAO Regional Representative is accredited to and liaisons with Contracting States within his geographical jurisdiction.

112. ICAO CIVIL AVIATION SECURITY PROGRAM. The civil aviation security program established by ICAO falls under two broad categories, the legal program and the technical program.

a. Legal Program. The legal program is composed of international conventions and agreements dealing with aviation security matters. An international convention is an agreement or compact between two or more parties and is considered a legal document which can become the basis for international law. There are three aviation security international conventions and one protocol adopted under the auspices of ICAO. They are known as the Tokyo Convention of 1963, the Hague Convention of 1970, the Montreal Convention of 1971 and the 1988 Protocol that is supplementary to the Montreal Convention. These international conventions and protocol pertain to offenses and certain other acts committed aboard aircraft, unlawful seizure of aircraft, sabotage and unlawful acts of violence at airports respectively. ICAO member States who are parties to the aviation security conventions are legally required to abide by the requirements of the conventions. The Legal Bureau of ICAO regularly publishes a

synoptic list of ICAO member States who have ratified and become parties to the aviation security conventions. (See appendix 2 for a summary of the aviation security conventions.)

b. Technical Program. The technical program consists of the ICAO Security Manual (Doc 8973/3), Annex 17 to the Chicago Convention and the ICAO Aviation Security Panel. The security manual was first published in December 1971 and the current edition was issued in 1987. It describes detailed methods, procedures, and guidelines to prevent or reduce acts of unlawful interference. The material in the manual assists in the implementation of the provisions of Annex 17 which is titled "Security - Safeguarding International Civil Aviation Against Acts of Unlawful Interference." The manual should be used in conjunction with Annex 17. The Annex defines what is required while the manual advises on how it may be implemented. Annex 17, which was first published in 1974, provides specifications in the form of Standards and Recommended Practices designed to safeguard international civil aviation against acts of unlawful interference. In response to the surge of aviation security incidents in 1985, the ICAO Council unanimously adopted more stringent aviation security measures in the form of an amendment to Annex 17. The enhanced specifications became applicable on May 19, 1986, and further expanded in the fourth edition of Annex 17, effective November 17, 1989. The ICAO Aviation Security Panel was created in 1986 and is composed of aviation security experts nominated by 15 Contracting States and 4 international organizations. They meet periodically to review existing material and advise the Unlawful Interference Committee on proposed upgraded changes to both the security manual as well as Annex 17.

113. ICAO STANDARDS AND RECOMMENDED PRACTICES (SARPS). The measures and procedures adopted by the ICAO Council to ensure safe, orderly and efficient air transportation are specifications in the form of Standards and Recommended Practices.

a. Standard. A Standard is any specification for physical characteristics, configuration, material, performance, personnel, or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention. (This is called filing a difference.)

b. Recommended Practice. A Recommended Practice is any specification for physical characteristics, configuration, material, performance, personnel, or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity, or efficiency of international air navigation and to which Contracting States will endeavor to conform in accordance with the Convention.

c. ICAO Annexes. Standards and Recommended Practices are incorporated into annexes to the Convention on International Civil Aviation. Once the Annex is published, each Contracting State is responsible for implementing these specifications. Eighteen (18) annexes have been developed, each on a field of specialization recognized as necessary to safety, regularity, and/or efficiency of international air transportation. Annex 17 specifically addresses the technical aviation security program sponsored by ICAO.

114. ICAO AVIATION SECURITY COORDINATORS. The ICAO Regional Offices mentioned in paragraph 111 each have a regional representative, deputy regional representative, and technical officers qualified in various aviation disciplines in order to carry out appropriate functional responsibilities as they assist their accredited States on aviation matters. In each region one of the technical officers or the deputy representative, in conjunction with his/her other responsibilities, has been designated as coordinator for aviation security matters for that region. Each aviation security coordinator completed specialized intensive training in a broad spectrum of civil aviation security matters and is the focal point for advice as well as the person to whom questions from States on aviation security matters may be referred. Through this technical expertise, the ICAO Secretariat is in a position to assist States and to facilitate the implementation and improvement of national and airport security programs. The aviation security coordinators travel on missions and/or receive assistance from other technical officers on travel, to determine whether ICAO can be of assistance to the States in the area of aviation security. These are, in essence, assistance visits and are not assessments of the States' national and airports' security programs.

115. FAA CONTACT WITH ICAO. Regional CASD's having international geographic responsibility are encouraged to contact ICAO regional offices having overlapping jurisdictional responsibilities to regularly coordinate with the ICAO aviation security coordinator and determine from him/her the names and/or titles of the host government aviation security officials who would be the most appropriate to contact during official visits. The locations and telephone numbers of the ICAO regional offices and identities of the respective aviation security coordinators may be obtained through ACO-100.

116.-125. RESERVED.

CHAPTER 4. OPERATIONS

126. PURPOSE. The purpose of this chapter is to establish the procedures necessary for the conduct of foreign airport assessments.

127. HOST GOVERNMENT APPROVAL. No assessment or assessment followup visit will be made without first obtaining host country clearance and approval through the appropriate U.S. embassy or consulate. At a minimum, host government approval will normally be requested 30 days prior to the requested date of arrival. Messages to the embassies/consulates are normally composed and transmitted by the region having geographic responsibility for the area to be visited but can also originate from Washington headquarters in coordination with the responsible region. These messages must provide sufficient lead time so that the necessary logistical matters and appointments may be arranged. Notification messages normally include the names of the team members and their respective security clearance levels, the proposed visit dates and schedule, the purpose of the visit, and the assistance requested. A sample notification message is contained in appendix 3. Although the embassy must still be notified of the visit, host government approval is not normally required to conduct air carrier station inspections; however, courtesy notification is recommended and may be required by some countries. Notification messages, both for assessments and air carrier station inspections, shall include ACS-100 and the FAA representative assigned responsibility for the geographic area, as information addressees.

128. REGIONAL/FIELD OFFICE ACTIVITIES.

a. Suggested Timeframes For Conducting Assessments and Other Visits. Appendix 4 contains a sample of the timeframes needed for each onsite element of a "normal" airport assessment. There are no specific guidelines from which to determine the most appropriate amount of time necessary to conduct an assessment. The following are several of the factors contributing to the time differences necessary: variations in the size of the airport, the threat to civil aviation in the host country, the requirement for extraordinary security measures by U.S. carriers, travel times, and the cultural norms of the host country. It is necessary for each team member to arrive at the departure point with sufficient time to allow for predeparture briefings by the team leader. On the average, foreign airport assessments, with briefings, consume 3 to 7 work days, with air carrier station inspections extending that time by 5 to 7 hours per carrier. While conducting air carrier station inspections at foreign airports, allow for adequate time to monitor a complete flight operation. For example, passenger check-in and screening, cargo operations, baggage handling, etc., for each U.S. air carrier and a departure for each Part 129 last point of departure foreign carrier serving the airport.

b. Preassessment Coordination. The responsible region will normally provide the team leader with one additional team member being provided from another region or from Washington headquarters. For reasons of personal safety and objectivity, at least one team member will accompany the team leader on every assessment trip except when otherwise approved by ACO-100. The PSI should occasionally participate as a team member on assessments of airports served by the carrier for which they have PSI responsibility. The responsible region will communicate any special trip requirements, such as visa requirements and necessary personal attire, to the team members. Responsible regions will brief incoming team members on local conditions such as transportation facilities, monetary matters, housing, etc. Information obtained from previous team should be included in the briefing. Washington headquarters will also provide passport and visa guidance and support when needed. The team leader will conduct a pre-trip briefing which will primarily focus on the findings listed in prior assessment documents. Solicitation for threat/intelligence updates will be done through ACO-100 to ACI, or other sources which may affect the performance or outcome of the visit. The responsible regions shall prepare a country file that addresses cultural, housing, transportation, and other items that would prove beneficial for briefing incoming team members.

c. Cultural Sensitivities. There are very often unfamiliar cultural or social habits or other norms practiced by foreign citizens in the countries affected by this program. Failure by FAA security specialists to be aware of this fact could cause inadvertent embarrassment or, worse, cause a situation of great offense. Such a situation could potentially cause irreparable damage to the relations between the United States and the host country. It is not feasible for security specialists to be fully informed concerning all such factors of every country affected by this program. Therefore, during the pretrip orientation, team leaders will provide team members with information, to the fullest extent possible, to ensure that potentially embarrassing or offensive behavior does not occur while traveling abroad. The CASD's should contact their regional international offices for videotapes and publications dealing with different cultures when traveling on business.

129. ENTRY BRIEFING WITH THE DEPARTMENT OF STATE (DOS). Since the DOS actively assists the FAA in the assessment effort, the assessment team will conduct an entry briefing for appropriate DOS personnel at the responsible DOS embassy or consulate. In those cases when an embassy/consulate is located in one of the cities having airports to be assessed, that city shall be visited first so that an entry briefing may be held. When an embassy/consulate is not collocated with one of the airport cities, the team shall normally first travel to the city where the embassy/consulate is located for the purposes of conducting an entry briefing and then travel on to the other cities. If travel to the city in which the

embassy/consulate is not possible, at a minimum, the team will telephonically conduct an entry briefing. Depending on the level of familiarity of the DOS personnel with the assessment program, the team leader should be prepared to brief them on the following:

a. A summary of the assessment program so that any confusion with other U.S. efforts (such as DOS' Anti-Terrorism Assistance Program) can be eliminated.

b. The identification of potential problems arising from previous assessments which will be reviewed during the current assessment.

c. ICAO organization, functions, and the SARP's of Annex 17.

The team leader should also seek any information/guidance the embassy might offer which is pertinent and vital to the pending assessment and the identification of all host government contacts.

130. ENTRY BRIEFING WITH THE HOST GOVERNMENT. The assessment team will conduct an entry briefing with host government officials which will include a discussion of the purpose of the visit in terms of P.L. 99-83 and also include the factors listed below. Normally, it is necessary to meet with national level officials only once a year to discuss the National Aviation Security Program. At other times, it is appropriate to meet with lower level officials, e.g., airport level.

a. An expression of appreciation for past and present cooperation which has led to the success of this program.

b. A review of ICAO SARP's.

c. A review of any security concerns that surfaced during prior visits or from other sources.

d. The receipt of any security-related concerns from host country officials.

e. Obtain from host government officials the correct name, title, and mailing address of the host government official to whom the letter report will be directed.

131. ACTIVITIES AT THE AIRPORT. The assessment of a foreign airport involves the systematic gathering of information by means of observations, briefings and questioning, and the examination of documents whenever possible. The guidance provided in the prompt cards should be followed during an assessment to ensure that all items are covered.

132. EXIT BRIEFING WITH THE DEPARTMENT OF STATE. Exit briefings with U.S. embassy/consulate representatives shall be held upon completion of assessments. During the briefing, or at any other time, do NOT make any determinations of substandard and ineffective security measures; that is the sole prerogative of the Secretary of Transportation. The assessment team shall conduct the exit briefing with the embassy/consulate having responsibility for the area where assessments were conducted. Therefore, the team shall travel to the city where the embassy/consulate is located to conduct an exit briefing prior to returning to the responsible region. The exit briefings will include:

a. Orally cover the results of the assessment effort, providing factual observations of any security concerns or measures needing improvement, and the proposed solutions to areas identified.

b. Emphasize the importance of the post not initiating any communication with the host government officials with respect to the findings of the team before receipt of an FAA letter report. (See Appendix 5, DOS message 358794.)

c. Solicit any recommendations or suggestions the DOS official may have which will lead to improved cooperation or efficiency in the joint implementation of this program.

d. Confirm the information received from the host government during the entry briefing pertaining to the correct name, title, and mailing address of the host government official to whom the letter report will be directed.

133. EXIT BRIEFING WITH THE HOST GOVERNMENT. Upon completion of assessments, exit briefings, conducted by the assessment team, will be held with host government officials and will include the following:

a. The results of the assessment effort will be orally provided by giving factual observations of any security measures needing enhancement or improvement and the proposed solutions to areas identified. The team should attempt to obtain commitments by the host government to implement appropriate enhancements, including proposed completion dates, before they leave the site. That information to include dates committed to by the host government will be included in the letter report to the government transmitted through the appropriate U.S. embassy.

b. No statements shall be made that are solely the prerogative of the Secretary of Transportation; i.e., that security measures are deficient and ineffectively maintained and administered. Team members may only indicate that the measures do not meet the minimum ICAO SARP's.

c. No statements or inferences shall be made about possible Secretarial action, even if requested.

d. Favorable comments, when appropriate, especially when the host government is particularly supportive of U.S. initiatives in aviation security.

e. When appropriate, a description of U.S. assistance which may be available, BUT FOR WHICH NO COMMITMENT SHALL BE MADE, and the name of a contact at the nearest DOS post which can provide guidance to the host government.

134. ASSESSMENT REPORT AND LETTER WRITING. The assessment report must be completed at the immediate conclusion of the assessment trip. All team members must participate in its preparation; it must represent a consensus of their observations. Notes must NOT be entered on a blank assessment report form while on an assessment trip. In all cases, notes containing security information specifically identifying the assessed airports by name or by any other means are classified information and must be appropriately protected and handled. All team members must participate in the preparation of the two draft letters that are prepared following each assessment; the letter to the U.S. Ambassador to the country involved and the letter to the appropriate individual in the host government regarding the assessment results (appendices 6-7). If there are areas noted in the assessment form that require immediate corrective action, a letter report to the host government shall not be prepared. In those cases, ACO-100 will coordinate with the responsible region and prepare an information package from the Administrator to the Secretary. Under normal circumstances, team members may not return to their post of duty until the draft assessment reports and substance of the letters have been approved by an official designated by the CASD manager. The actual preparation of the letters shall be done by the responsible region.

135. HEADQUARTERS REVIEW PROCESS. Assessment reports in final form and draft copies of the two letters shall be forwarded to ACO-100 within 15 work days, following completion of the assessment trip. In those cases, when the deadline cannot be met, the responsible regions should telephonically notify ACO-100 for approval of the delay. This notification shall include a justification for the delay and a date by which the assessment and letters will be received by ACO-100. The documents will be reviewed by ACO-100 to ensure accuracy and consistency. When there are no security concerns and consistency between the documents is established, ACO-100 will telephonically advise the responsible region to release the letters and send signed copies of the letters to ACO-100. ACO-100 will follow up the telephonic notification by a telegraphic message to the responsible region. By standard procedure, ACO-100 transmits to DOS headquarters a copy of any letter identifying security measures needing improvement at a foreign airport. In most circumstances, ACO-100 review and

approval of these documents will be completed within five work days from receipt. The ACS review process is depicted in appendix 8.

136. AIR CARRIER STATION INSPECTIONS. Under Parts 108 and 129 of the FAR, the FAA must conduct station inspections of U.S. air carrier stations domestically and abroad and for foreign air carriers at airports from which they directly serve the United States. In most countries, host government coordination is not normally required; however, courtesy notifications to the airport management, police, and affected air carrier station managers are requested. Notification and clearance must be requested and provided by the appropriate DOS embassy or consulate. While conducting station inspections abroad, FAA security specialists are expected to observe an arrival and a departure and the applicable security procedures employed for each U.S. air carrier and each foreign air carrier serving the United States from the airport. They should also conduct hazardous materials inspections of U.S. air carriers.

137. IDENTIFICATION OF AREAS NEEDING ENHANCEMENTS OR CORRECTIVE ACTION. In all instances, the main body of the Foreign Airport Assessment Report should contain a complete and factual description of the measures in use by a State to meet the SARP's.

a. There may be some instances wherein it appears to the inspector that a given Standard is not being fully met. If, in such a case, information is developed that the State is implementing improved procedures, or completing actions that would provide an appropriate level of security, this information, along with an agreed upon completion date, would be summarized in Section I of the report. By doing so, the inspector draws attention to the deficiency, describes the corrective action being taken, and the anticipated completion date. This type of entry indicates satisfaction with that action and the scheduled completion date.

b. In those instances wherein it appears to the inspector that a given Standard is not being met, and the inspector cannot discover any acceptable corrective action, or if the action cannot be completed in an acceptable length of time, these facts should be entered in Section I of the report under Security Measures Requiring Corrective Action. An entry here will ensure appropriate attention at each level of review.

c. There may be other instances in which the requirements of the SARP are being met, but the inspector believes that, with only minor modifications or changes in procedures, the level of security could be improved. Suggestions to improve already acceptable security measures, as opposed to correcting apparent deficiencies, should be included in the main body of the report under the appropriate SARP.

d. Discussion of Problem Areas on the Assessment Report. All problem areas observed are to be discussed in the appropriate section of the assessment report and synopsized in the report's summary page. These sections must also thoroughly document any efforts currently underway by the host government which would lessen the impact of the security concern or any similar efforts which are planned. In either case, attention should be focused on any efforts by the assessment team and the host government official to implement a short-term or permanent solution to the condition needing enhancement or improvement.

e. Importance of Thorough and Precise Assessment Information. It is important to recall that security measures listed as needing improvement on the assessment report form may, absent any specific mitigating facts, cause the Secretary of Transportation to take actions and sanctions available under P.L. 99-83. These actions and sanctions can only be undertaken when thorough and precise information is provided by the FAA on the status and impact of the security measure(s) designated as needing improvement.

f. Security Concerns Discovered During an Air Carrier Station Inspection. When an FAA security team discovers Annex 17 security concerns on these types of visits, under no circumstances may it relay this information to the host government officials at that time. Instead, the team must brief the appropriate embassy/consulate personnel and contact ACO-100 through the responsible region regarding these concerns. If after consultation with the responsible region, ACO-100 believes it is warranted, the embassy/consulate personnel will then be asked by ACO-100 through the responsible region, to request permission from the host government for an assessment to be conducted as soon as possible (preferably immediately). If this request is denied, ACO-100 in consultation with the responsible region will determine when the team members will return to their posts of duty.

138. DETERMINATION OF INEFFECTIVE SECURITY. This determination that an airport does not maintain and administer effective security measures is made ONLY by the Secretary of Transportation and is based on information provided by the FAA.

139. ACS STAFF PARTICIPATION IN FINAL ASSESSMENT DURING 90-DAY PERIOD. When the Secretary makes a determination that ineffective security measures are being administered at a foreign airport, the FAA is responsible for numerous activities. One such activity, conducted toward the end of the 90-day period, is a final assessment of the security measures in effect at the airport. The assessment report will provide FAA headquarters with the necessary information to brief the Secretary. Timeliness, accuracy, and completeness of each security issue in question are essential for a successful final assessment report. An ACS staff member will be a

member of the final assessment team or, if there is a difference between the assessment team and the team providing the final host government briefing, then the ACS representative will at least be a part of the latter. This is to ensure worldwide uniformity of the airport assessment program activities during these especially critical and closely scrutinized assessments.

140. POST ASSESSMENT FOLLOWUP ACTIVITIES. Any post assessment followup activities initiated by the responsible regions must be coordinated in advance with ACO-100 for approval.

141. HEADQUARTERS COORDINATION REQUIREMENTS. Every assessment report is reviewed by headquarters staff. Those assessment reports identifying the existence of security concerns are reviewed by headquarters management for verification. Once the security measures needing improvement are verified, certain activities must take place:

a. Notification of the Office of the Secretary and the Department of State. ACS management and staff informally meet with staff from the Secretary's offices--Transportation Regulatory Affairs and International Law--and the Office of Aviation of the DOS, to give them the earliest possible notification that an airport(s) was found to have security measures needing improvement.

b. Letter from the Administrator to the Secretary. ACO-100 prepares a letter for the Administrator to the Secretary regarding the security conditions needing improvement at an airport discovered during an assessment. Once the letter from the Administrator is cleared, it is sent to the Secretary who determines whether an airport administers and maintains effective security measures. In those cases, ACO-100 coordinates with AIA-1 and AGC-1.

c. Secretarial Determination. When the Secretary makes a determination that an airport does not maintain and administer effective security measures, the Secretary then notifies the host government of the determination and recommends the steps needed to bring the security at such airport up to the minimum assessment standard.

142. TECHNICAL ASSISTANCE. All aviation security technical assistance provided to foreign governments must be coordinated with and approved, in advance, by ACO-100. The coordination will ensure the inclusion of vital information in the technical assistance decision. ACO-100 must coordinate with ACO-200, ACP-100, and DOS headquarters, including the Anti-Terrorism Assistance Program, and other appropriate agencies.

143. COLLECTION AND DISSEMINATION OF NONASSESSMENT INFORMATION.
During the conduct of the assessment, if FAA security specialists are offered routine airport information (such as diagrams or publicity publications) or security documents, they shall retain these documents at the responsible regional office or field unit, as appropriate. Photographs shall be treated in the same manner. The photographing of airport areas shall ONLY be done with the approval of the host government and may only be requested by the team leader. Notwithstanding the above, if, in the opinion of the regional division manager, any of the above documentation is necessary for ACS to conduct a thorough review of the airport's security status, such documentation should be included as an attachment to the assessment report form.

144.-155. RESERVED.

CHAPTER 5. NONOPERATIONAL ISSUES

156. ELECTRONICALLY TRANSMITTED MESSAGES. All electronically transmitted messages pertaining to aviation security sent by a FAA regional office to a DOS post will be coordinated and approved by ACO-100 before they are sent. All messages will have ACO-100 and the Secretary of State as information addressees. This will facilitate the exchange of information that may affect the conduct of a foreign airport assessment, air carrier station inspection, or other visit.

157. HOST GOVERNMENT CONTACT WITH OTHER U.S. GOVERNMENT AGENCIES. In some cases, host government officials may not differentiate between the many U.S. Government agencies visiting them; therefore, they view FAA security specialists as the U.S. Government, not necessarily as FAA employees. FAA security specialists must be sensitive to the fact that their actions will have a direct impact on FAA relationship with the host governments and on the relationship of other U.S. Federal agencies with them.

158. THE USE OF IDENTIFICATION DOCUMENTS. The guidance provided below shall be used by FAA security specialists in most circumstances on assessment trips or other visits. Specific guidance, applicable for all situations, is not possible. With only the very few exceptions noted below, FAA special agent credentials should not be used for identification in a foreign country. FAA credentials shall not be displayed in public, for example, for hotel registration, or to police on the street. The following identification information is provided for security specialists as general guidance:

a. Entry Into Foreign Countries. Security specialists shall normally use their official U.S. Government passport when entering a foreign country.

b. Registering at Hotels. Security specialists shall use the same passport when registering as they used to enter the country (usually the official passport). It is not unusual for hotel desk clerks to hold onto passports until they have done the required paperwork for their government. In those cases, security specialists should get a receipt from the clerk to whom the passport was given.

c. Entry into U.S. Embassies/Consulates. Security specialists shall use their official passport for identification when entering a U.S. Embassy or Consulate.

d. Meetings with Staff of U.S. Embassies/Consulates. Security specialists shall use their official passport for identification at these meetings and display their FAA special agent credentials only when requested.

e. Meetings with FAA Representatives in Foreign Countries. In these circumstances, security specialists shall use their special agent credentials for identification.

f. Meetings With Foreign Officials. In meetings with foreign airport officials, police, foreign airline officials, and others, security specialists should use identification other than their FAA special agent credentials. This alternate identification includes official DOT/FAA identification cards and business cards that identify themselves as security specialists (not special agents) for identification and, if requested, their official passport.

g. Meetings with U.S. Air Carrier Officials. Security specialists should use their FAA special agent credentials for identification when meeting with U.S. air carrier officials.

159. INCIDENT RESPONSE IN A FOREIGN COUNTRY.

a. In the recent past, the U.S. Congress has enacted legislation which has spawned extensive regulatory authority among various agencies to investigate foreign crimes against U.S. interests and to prosecute the suspected criminals under U.S. law. It is, therefore, imperative that FAA security specialists be cognizant of their responsibilities and their limited role should they be placed in such a circumstance.

b. Contacting the FAA Operations Command Center. Whenever a security specialist is the first FAA person on the scene of a civil aviation security incident at a foreign airport, he/she must work in very close cooperation with the responsible U.S. embassy or consulate and immediately seek instructions from the FAA Operations Command Center at (202) 863-5100, through the nearest U.S. embassy or consulate. The FAA Operations Command Center will then notify all appropriate personnel, including the responsible region and ACO-100. THE SUCCESSFUL U.S. PROSECUTION OF A SUSPECTED CRIMINAL MAY DEPEND UPON THIS CONTACT. Under no circumstances will security specialists interview witnesses, gather physical evidence, or otherwise take an active role in the investigation of the crime prior to contacting the FAA Operations Command Center for instructions.

160.-165. RESERVED.

CHAPTER 6. PROGRAM GUIDELINES

166. GENERAL. The Foreign Airport Assessment Program has resulted in the FAA becoming the repository of an unprecedented scope of world civil aviation security information. Aside from the program's primary purpose of identifying security measures needing enhancement and improvement, the sharing of information by the FAA when appropriate to improve, wherever possible, the status of aviation security measures is another important benefit of this program. This obvious benefit should be promoted and employed during all contacts with DOS and foreign authorities.

167. TEAM LEADER QUALIFICATIONS AND RESPONSIBILITIES. Ideally, team leaders should have participated as a team member in conducting a minimum of four foreign airport assessments before being selected as a team leader. This minimum number is offered as a guide and may be amended depending on the individual's other work experiences. Throughout the assessment cycle, the team leader will be responsible for providing overall guidance and direction. This includes predeparture planning activities, meetings with DOS personnel from the embassy/consulate and with the host country officials, the protection of assessment information, and the writing of the reports after the trip.

168. TEAM MEMBER QUALIFICATIONS. No security specialist may participate as a team member in foreign airport assessments or additional visits unless he/she has successfully completed the Security Inspections and Reports Course (Course No. 00032). It is desirable that each team member have a minimum of 3 years' successful experience in domestic airport inspections. Further, all security specialists conducting assessments must have a thorough knowledge of the pertinent ICAO documents used in conducting the assessments and the evaluation criteria and report used to complete the assessments. It is the responsibility of division managers to ensure that security specialists meet the above criteria prior to their participation in a foreign airport assessment or visit.

169. DEMEANOR OF SECURITY SPECIALISTS. As a practical matter, security specialists must approach host government officials in a spirit of cooperation that communicates mutual concerns regarding world terrorism; a desire to OBSERVE, SHARE, LEARN, AND ASSIST in problem solving. Security specialists must be sensitive to all host government and U.S. embassy/consulate concerns and present and conduct themselves at all times in a manner befitting their role as representatives of the U.S. Government.

a. FAA Representation. Security specialists will represent the Administrator to all U.S. officials abroad and host government officials. Because the assessment responsibilities in P.L. 99-83 were given to the Secretary of Transportation by the Congress, they may also be considered a direct emissary of the Secretary's office.

b. Tact and Diplomacy. Security specialists will at all times observe the laws, customs, and, except in rare circumstances, the social norms of the host country. Alleged offensive language, gestures, or other distasteful actions towards host government citizens will result in an investigation and if substantiated appropriate disciplinary action by the employee's immediate supervisor. Security specialists must be sensitive to any differences in status or rank and conduct themselves accordingly. Courtesy and diplomacy are not merely helpful qualities to the successful attainment of this program's goals, they are essential.

c. Other Considerations. Security specialists should blend into the local scene as much as possible for safety reasons. Do not engage in loud conversations or flaunt your citizenship unnecessarily by your dress, actions, or words. It is IMPERATIVE that team members not discuss their official business in public areas, while on public transportation, or with those who do not have an official need-to-know.

170. PRETRIP KNOWLEDGE AND RESEARCH REQUIREMENTS. Assessments conducted at foreign airports differ significantly from the inspections conducted at domestic airports under Part 107 of the FAR. Therefore, it is essential that security specialists prepare themselves thoroughly prior to participating in an assessment.

a. Knowledge of Assessment Procedures. Security specialists must review the regulatory and procedural documents that pertain to foreign airport assessments to ensure complete familiarity. This includes P.L. 99-83, the ICAO Security Manual and Annex 17, the Foreign Airport Assessment Report, associated assessment guidelines, and applicable FAA orders.

b. Knowledge of Countries to be Visited. The security specialists must become as familiar as possible with the countries to be visited. This includes information concerning the language, basic history and geography, social customs, current political climate, and the status of relations with the United States. This information may be obtained from the regional library, International Affairs office, a public library, and local book stores. The Official Airline Guide Travel Planner is a good source of current information, including diagrams of major airport terminals. Also the "Fodor" and "Fielding" travel guides are excellent sources of general information on a city, a country, or a geographic area. Prior coordination with the responsible region to confirm the proposed itinerary, passport and visa requirements, inoculations, and similar administrative details is essential.

c. Knowledge of Airports to be Visited. Prior to departure from the responsible region, the security specialist must become thoroughly familiar with the information on file regarding security conditions at the airports to be visited. A complete review of previous assessment reports, with particular attention to

areas needing security enhancement, is essential. The specialist should also review any and all intelligence information available. This may include security bulletins, Central Intelligence Agency factbooks, and, after coordination with ACO-100, an oral briefing by an ACI representative.

171. PERFORMANCE AND DISCIPLINE. The importance of exemplary professionalism, conduct, and demeanor on assessment trips cannot be overstated. They will directly impact upon the success of this program as well as the reception afforded subsequent FAA teams and other U.S. Government officials visiting the countries. All complaints registered by foreign officials against FAA security specialists while on assessment trips will be reviewed thoroughly, and, if substantiated, corrective action may be taken as previously described. Circumstances when security specialists do not conduct themselves in an appropriate manner, i.e., over and above what is listed below, will be reported by team leaders in writing through their chain of command. Division managers will report such circumstances to ACO-100 and will conduct an investigation of the allegations. If the allegations are substantiated, the immediate supervisor shall take appropriate corrective/disciplinary action. Any actions which adversely impact the program may be justification to restrict the individual from further participation in the FAAP. The criteria listed in this paragraph will be effective during all phases of the assessment.

a. Preparedness. Security specialists will be fully knowledgeable of the use and purpose of all documents related to this program as described in this order and will adhere to the knowledge requirements set forth in this order by conducting appropriate research on the foreign country(ies) prior to the pretrip briefing.

b. Punctuality. Security specialists will adhere to the itinerary provided by the responsible region and to any meeting times or other appointments made by the DOS representatives and host government officials. Sightseeing, shopping, personal visitation, and other unofficial activities conducted at the expense of the program objectives WILL NOT BE TOLERATED. Team leaders, either directly or through the embassy/consulate, should always try to arrange appointments in advance with host airport, airline, or other government officials. By doing so, they will demonstrate a professional respect for the other person's time and will avoid time wasted because the other party is not available.

c. Team Participation. Security specialists will, except in rare instances, be part of a team which is charged to conduct this program. As such, each member of the team must participate to the fullest. The team leader will, in all cases, be responsible for the successful completion of the program elements. If a team member is unable to complete the assessment for any reason, the team leader will, in consultation with the responsible region, make

the necessary arrangements for that individual to return to his/her post of duty. If performance or disciplinary problems are noted by the team leader which are sufficient to jeopardize the attainment of the assessment objectives, the team leader will, in consultation with the responsible region and ACO-100, make the necessary arrangements for that individual to return to his/her post of duty. A written report regarding any incomplete assignment will be forwarded to ACO-100 by the responsible region for the affected individual and to his/her home region, if it is not the same.

d. Reporting--Objectivity and Timeliness. Each team member is responsible for participation in the report writing phase of the assessment until a draft report has been substantively approved at the regional level specified by the responsible regional division manager. In all cases, all team members will be prepared to provide a recollection of the significant results of the assessment if asked by ACS-1 or his/her representative. Although this order prescribes other means to gather information relating to the overall security posture of a foreign airport, THE FOREIGN AIRPORT ASSESSMENT IS THE FOUNDATION UPON WHICH ALL ACTION IS BASED. Information gathered and documented during an assessment must, therefore, represent the security specialist's most conscientious effort at objectivity, thoroughness, and judgment.

e. Knowledge. Security specialists participating in foreign airport assessments will have a thorough knowledge of the ICAO documents used in this program (the current edition of Annex 17, the Security Manual also referred to as ICAO Document 8973/3 Restricted, the Model National Civil Aviation Security Program, and the Model International Airport Security Program), the current edition of the Assessment Guidelines and Foreign Airport Assessment Report, Parts 108 and 129 of the FAR, the ACSSP, the Foreign Air Carrier Model Security Program, and this order.

172. APPROPRIATE BUSINESS DRESS. Climate permitting, all security specialists should conduct their official business in appropriate business attire. The team leader should provide guidance on appropriate dress for the culture and climate of the countries that will be visited. In most cases, appropriate dress will be business attire, but, in some tropical locations, traditional business dress may be less formal.

173. PASSPORTS. Employees must obtain an official and personal passport before participation on assessment trips. Appropriate visas will be processed, as needed, by ACO-100 through the DOS.

174.-180. RESERVED

FOREIGN AIRPORT SECURITY
TITLE V PART B OF PUBLIC LAW 99-83,
SECURITY STANDARDS
FOR
FOREIGN AIR TRANSPORTATION

SEC. 551. SECURITY STANDARDS FOR FOREIGN AIR TRANSPORTATION.

(a) SECURITY AT FOREIGN AIRPORTS.--Section 1115 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1515) is amended to read as follows:

"SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

"ASSESSMENT OF SECURITY MEASURES

"Sec. 1115. (a)(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and at such other foreign airports as the Secretary may deem appropriate.

"(2) Each such assessment shall be made by the Secretary of Transportation in consultation with the appropriate aeronautic authorities of the foreign government concerned and each air carrier serving the foreign airport at which the Secretary is conducting such assessment.

"(3) The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation, as those standards and recommended practices are in effect on the date of such assessment.

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"CONSULTATION WITH THE SECRETARY OF STATE

"(b) In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation shall also consult with the Secretary of State in order to determine which foreign airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

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"REPORT OF ASSESSMENTS"

"(c) Each report to the Congress required by section 315 of this Act shall contain a summary of the assessments conducted pursuant to subsection (a).

"NOTIFICATION TO FOREIGN COUNTRY OF DETERMINATION"

"(d) Whenever, after an assessment in accordance with subsection (a), the Secretary of Transportation determines that an airport does not maintain and administer effective security measures, the Secretary (after advising the Secretary of State) shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"NOTICE AND SANCTIONS"

"(e)(1) Paragraph (2) of this subsection shall become effective--

"(A) 90 days after notification to the foreign government pursuant to subsection (d), if the Secretary of Transportation finds that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a); or

"(B) immediately upon the Secretary of Transportation's determination under subsection (d) if the Secretary of Transportation determines, after consultation with the Secretary of State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such airport.

The Secretary of Transportation shall immediately notify the Secretary of State of any determination made pursuant to subparagraph (B) so that the Secretary of State may comply with the requirement of section 552(a) of the International Security and Development Cooperation Act of 1985 that a travel advisory be issued.

"(2) Subject to paragraph (1), if the Secretary of Transportation determines pursuant to this section that an airport does not maintain and administer effective security measures--

"(A) the Secretary of Transportation--

"(i) shall publish the identity of such airport in the Federal Register,

"(ii) shall cause the identity of such airport to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations, and

"(iii) shall notify the news media of the identity of such airport;

"(B) each air carrier and foreign air carrier providing service between the United States and such airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such airport, with such notice to be made by written material included on or with such ticket;

"(C) the Secretary of Transportation, after consultation with the appropriate aeronautical authorities of the foreign government concerned and each air carrier serving such airport, may, notwithstanding section 1102 of this Act and with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport; and

"(D) the President may prohibit air carriers and foreign air carriers from providing service between the United States and any other foreign airport which is directly or indirectly served by aircraft flying to or from the airport with respect to which the determination is made under this section.

"(3) The Secretary of Transportation shall promptly submit to the Congress a report (with a classified annex if necessary) on any action taken under this subsection, setting forth information concerning the attempts made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of the airport under subsection (a).

"LIFTING OF SANCTIONS

"(f)(1) The sanctions required to be imposed with respect to an airport pursuant to subsection (e)(2) (A) and (B) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at that airport.

"(2) The Congress shall be notified if any sanction imposed pursuant to subsection (e) is lifted.

"AUTHORITY FOR IMMEDIATE SUSPENSION OF AIR SERVICE

"(g) Notwithstanding sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that--

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"(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and

"(2) the public interest requires an immediate suspension of services between the United States and the identified airport, the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any person to operate aircraft in foreign air commerce to or from that foreign airport.

"CONDITIONS OF AUTHORITY"

"(h) The provisions of this section shall be deemed to be a condition to any authority granted under title IV or title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation.".

(b) CONFORMING AMENDMENTS--

(1) INFORMATION IN SEMIANNUAL REPORTS.--Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356(a)) is amended by adding at the end thereof the following new sentence: "Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1115(c) of this Act".

(2) CIVIL PENALTIES.--Section 901(a)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(1)) is amended by inserting "or 1115(e)(2)(B)" after "1114".

(3) TABLE OF CONTENTS.--That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI--MISCELLANEOUS"

is amended by striking out

"Sec. 1115. Security standards in foreign air transportation." and inserting in lieu thereof

"Sec. 1115. Security standards in foreign air transportation.

- "(a) Assessment of security measures.
- "(b) Consultation with the Secretary of State.
- "(c) Report of assessments.
- "(d) Notification to foreign country of determination.
- "(e) Notice and sanctions.
- "(f) Lifting of sanctions.
- "(g) Authority for immediate suspension of air service.
- "(h) Conditions of authority."

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(c) CLOSING OF BEIRUT INTERNATIONAL AIRPORT.--It is the sense of the Congress that the President is urged and encouraged to take all appropriate steps to carry forward his announced policy of seeking the effective closing of the international airport in Beirut, Lebanon, at least until such time as the Government of Lebanon has instituted measures and procedures designed to prevent the use of that airport by aircraft hijackers and other terrorists in attacking civilian airlines or their passengers, hijacking their aircraft, or taking or holding their passengers hostage.

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the third is the fact that the
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the eighth is the fact that the
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the tenth is the fact that the

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100

SUMMARY OF INTERNATIONAL CONVENTIONS AND AGREEMENTSCHICAGO CONVENTION
(founded ICAO)

Convention on International Civil Aviation (Signed at Chicago on December 7, 1944). The authors of the Convention on International Civil Aviation enshrined in a Charter of air law the aims and objectives of the International Civil Aviation Organization (ICAO) to ensure safe and orderly growth of international civil aviation throughout the world and to promote safety of flight. The ICAO Standards and Recommended Practices (SARPS) are incorporated into Annexes to the Chicago Convention. Therefore, all member States of ICAO are obligated to follow the specifications contained in the Annexes.

INTERNATIONAL CONVENTIONS DEALING WITH AVIATION SECURITY

TOKYO CONVENTION

Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Signed at Tokyo on September 14, 1963). Provides that the State of Registry is competent to exercise jurisdiction over offenses committed aboard that aircraft when it is in flight, on the surface of the high seas or any other area outside the territory of any State. The convention applies only to offenses committed by a person who is on board an aircraft thereby excluding acts or offenses committed by persons such as saboteurs who remain on the ground. Article 11 deals with unlawful seizure of aircraft and provides:

(a) A positive obligation on each contracting State to take every appropriate measure to restore control to the lawful commander of an aircraft; and

(b) an obligation on contracting States to permit the passengers and crew of a hijacked aircraft to continue their journey as soon as practicable, and to return the aircraft and its cargo to the persons lawfully entitled to possession.

The United States ratified the Tokyo Convention on September 5, 1969, being the 12th Nation to do so. The treaty came into force on December 4, 1969.

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THE HAGUE CONVENTION
(hijacking convention)

Convention for the Suppression of Unlawful Seizure of Aircraft
(Signed at The Hague on December 16, 1970). This treaty obliges the contracting parties to:

(a) Establish concurrent jurisdiction over hijackers, i.e., the State of Registry, the State of the operator and the State in which the aircraft next lands with the offender still on board.

(b) Make the offense punishable by severe penalties; and

(c) submit any offenders found in their territories to the competent authorities for prosecution, or extradite them.

The United States ratified The Hague Convention on September 14, 1971, and was the 10th Nation to do so. The treaty came into force on October 14, 1971.

MONTREAL CONVENTION
(sabotage convention)

Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Signed at Montreal on September 23, 1971).

This treaty deals with sabotage and armed attacks against international civil aviation facilities and creates the same obligations for the States with respect to these offenses as The Hague Convention created with respect to hijacking (punishable by severe penalties, extradition, etc.).

The United States ratified the Montreal Convention on November 1, 1972. The convention came into force on January 26, 1973.

PROTOCOL
(Supplement to the Montreal Convention)

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Done at Montreal on September 23, 1971 (Signed at Montreal on February 24, 1988). This Protocol supplements the Montreal Convention and specifies that the Convention and the Protocol shall be read and interpreted as one single instrument. It amends the definition of the offense to include any person who unlawfully and intentionally performs an act of violence against a person or an aircraft not in service at an international airport or disrupts the services of the airport if such an act endangers safety at that airport.

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It amends the definition of the offense to include any person who unlawfully and intentionally performs an act of violence against a person or an aircraft not in service at an international airport or disrupts the services of the airport if such an act endangers safety at that airport.

THE BONN DECLARATION

(Signed at Bonn, Federal Republic of Germany by Canada, France, Federal Republic of Germany, Italy, Japan, United Kingdom and the United States on July 17, 1978).

Commits the seven signatories to take immediate actions to terminate air services to and from a country when that country refuses to extradite or prosecute aircraft hijackers, or refuses to return a hijacked aircraft. (NON-COMPLIANCE WITH THE HAGUE CONVENTION.)

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FAA (ROME) MESSAGE #21532

SUBJECT: FAA AVIATION SECURITY ASSESSMENT/AIR CARRIER STATION
INSPECTION (R021088)

REFERENCE: (A) 85 STATE 25981, (B) 86 STATE 358794, (C) 87 STATE
128167

1. PURSUANT TO PUBLIC LAW 99-83, AUGUST 8, 1985, AND REFERENCED GUIDANCE (A), (B), AND (C), AN FAA CIVIL AVIATION SECURITY TEAM CONSISTING OF TWO CIVIL AVIATION SECURITY SPECIALISTS PLANS TO VISIT ADDRESSEE POSTS IN ACCORDANCE WITH THE TENTATIVE SCHEDULE BELOW TO PERFORM AIRPORT ASSESSMENTS AND RELATED FUNCTIONS. TO EFFECTIVELY AND EXPEDITIOUSLY ACCOMPLISH THEIR MISSION, THE FOLLOWING ACTIONS ARE REQUESTED:

- A. FOR ISTANBUL AND TEL AVIV

- (1) SINCE TRIP TO ISTANBUL AND TEL AVIV CONSISTS OF AIR CARRIER STATION INSPECTIONS ONLY, THE PROTOCOL ASSOCIATED WITH THE COMPREHENSIVE AIRPORT ASSESSMENT WILL NOT BE REQUIRED; HOWEVER, A COURTESY NOTIFICATION TO INCLUDE THE AIRPORT SECURITY CHIEF, AIRPORT MANAGEMENT, AND APPROPRIATE AIR CARRIER STATION MANAGERS IS REQUESTED. SHOULD THE AIRPORT AUTHORITIES EXPRESS A DESIRE TO MEET WITH THE TEAM, SUCH A MEETING WOULD BE ACCEPTABLE. IF SIGNIFICANT PROBLEMS ARE NOTED, THEY WILL BE RELAYED TO POST FOR REACTIONS/SUGGESTIONS.

- B. FOR ATHENS

- (1) AN IN-BRIEFING BE ARRANGED BETWEEN THE FAA TEAM AND APPROPRIATE POST OFFICERS. THIS INITIAL BRIEFING SHOULD TAKE PLACE PRIOR TO MEETING WITH AIRPORT OFFICIALS.

- (2) AN IN-BRIEFING WITH APPROPRIATE HOST GOVERNMENT AND LOCAL AIRPORT OFFICIALS; E.G., AIRPORT MANAGER, AIRPORT SECURITY MANAGER, COMMANDER OF AIRPORT POLICE/SECURITY CONTINGENT, CHAIRMAN OF AIRPORT OPERATOR'S COUNCIL (OR LIKE BODY). THESE MAY BE COMBINED INTO A SINGLE MEETING IF THE OFFICIALS CONCERNED HAVE NO OBJECTION.

- (3) PER REFERENCE (B) AND (C) THE TEAM ANTICIPATES BEING ACCOMPANIED BY A POST OFFICER DURING THESE INITIAL AIRPORT ASSESSMENT BRIEFINGS. APPOINTMENTS WITH THE U.S. AND FOREIGN AIR CARRIER STATION MANAGERS WILL BE REQUIRED PER TENTATIVE SCHEDULE LISTED BELOW.

- (4) THE TEAM WILL ENGAGE ITSELF FOR THE REST OF ITS TIME IN THE CONDUCT OF THE AIRPORT ASSESSMENT AND AIR CARRIER STATION INSPECTIONS TO INCLUDE CARGO AND HAZARDOUS MATERIALS.

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IT IS NOT ANTICIPATED THAT A POST OFFICER NEEDS TO ACCOMPANY THE TEAM DURING THESE ACTIVITIES UNLESS POST SO DESIRES.

- (5) OUT-BRIEFINGS WILL BE REQUIRED FOR ASSESSMENT ACTIVITIES. THE TEAM WILL ASK FOR A PRE-OUT BRIEFING WITH POST TO DISCUSS THEIR FINDINGS AND OBTAIN POST REACTION/SUGGESTIONS PRIOR TO OUT-BRIEFINGS WITH HOST GOVERNMENT OFFICIALS. IF NO SUCH SHORTCOMINGS WERE NOTED, OUT-BRIEFINGS WILL BE SCHEDULED AS APPROPRIATE.

- (6) SUBSEQUENT TO THE TEAM'S RETURN TO ROME, COMPLETION AND REVIEW OF IT'S REPORTS, POST WILL RECEIVE A LETTER SUMMARY OF THE TEAM'S FINDINGS.

2. TEAM LEADER: ROBERT STEICHEN - CLEARANCE: TOP SECRET
- TEAM LEADER: DANIEL MAHONEY - CLEARANCE: TOP SECRET

3. ITINERARY:

DATE	DEP	TIME	VIA	ARR	TIME
10/25	ROME	0950	AZ700	IST	1315
10/31	IST	0935	CA322	ATH	1045
11/4	ATH	1100	LY542	TLV	1250
11/10	TLV	0800	LY385	ROME	1035

4. TENTATIVE SCHEDULE AND REQUESTS SPECIFIC TO POST:

- A. TWO SINGLE ROOMS WITH BATH, IN ACCORDANCE WITH ITINERARY:
- B. APPOINTMENTS WITH HOST GOVERNMENT, AIRPORT, AND AIR CARRIER OFFICIALS AS FOLLOWS:

- (1) ISTANBUL

10/25	MONITOR	PA 92	ARR: 1650
10/26	MONITOR	PA 93	DEP: 0700
10/27	MONITOR	TW 740	ARR: 1430
10/28	MONITOR	TW 742	DEP: 0700
		TK 581	DEP: 0915

(2) ATHENS

11/1-2 MEETINGS WITH APPROPRIATE HOST GOVERNMENT/AIRPORT OFFICIALS TO DISCUSS NATIONAL/ AIRPORT SECURITY PROGRAMS, EMERGENCY PLAN, AND AIRPORT SECURITY PROCEDURES IN EFFECT. FOLLOWING MEETING, TEAM WOULD APPRECIATE A TOUR OF ENTIRE AIRPORT TO INCLUDE TERMINAL FACILITIES (SCREENING POINTS, ACCESS POINTS, BAGGAGE MAKE-UP AREAS, COMMAND CENTER, ETC.), PERIMETER, AND CARGO FACILITIES.

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(3) TEL AVIV

11/7	MONITOR	TW 883	DEP: 0655
	MONITOR	PA 114	ARR: 1630
11/8	MONITOR	FF 31	DEP: 2330
11/9	MONITOR	PA 115	DEP: 0615

5. FAA IS, AS ALWAYS, APPRECIATIVE OF POSTS' EFFORTS EXPENDED ON BEHALF OF ASSESSMENT PERSONNEL AND THE ENHANCEMENT OF INTERNATIONAL CIVIL AVIATION SECURITY.

SIGNED JAMES T. MURPHY
FAA REPRESENTATIVE, ROME

SAMPLE TIMEFRAMES FOR
ASSESSMENTS AND OTHER VISITS

To get an as-close-as-possible figure for the amount of the time (expended) in an airport assessment/air carrier station inspection, a model airport was first developed. The model airport is located 4 hours flying time from the home office of the civil aviation security specialist (CASS). Two scheduled U.S. air carriers serve the airport. Two U.S. charter carriers served the airport with four operations total per year. One foreign air carrier operates from the airport as its last point of departure to the United States, and its corporate headquarters is located in the city, as is a U.S. Embassy (or Consulate).

A. Predeparture activities.

1. Annual schedule.

a) Draft annual schedule	1 hour
x 8 inspectors	8 hours
b) Review with supervisor. Coordination	
with group schedule.	3 hours

	11 hours

11 hours divided by 1304 duty hours/year = .008 = .01

2. Individual trip predeparture activities.

a) Review Official Airline Guide to develop itinerary.	1 hour
b) Draft message for Department of State posts.	0.25 hour
c) Review.	0.50 hour
d) Discussion with ACS-110	0.25 hour
e) Arrange for local hotel reservations for continental United States (CONUS) support.	0.25 hour
f) Coordinate with CONUS support person.	0.25 hour

	2.50 hours

2.50 hours x 8 inspectors = 20 hours

20 hours x 12 trips each/year = 240 hours/year

For each inspector: 7.50 hours

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3. Immediate predeparture activity.	
a) Review previous reports.	2 hours
b) Compile documents for trip.	0.75 hour
c) CONUS support briefing and administration support.	7 hours

	9.75 hours

Subtotal, per trip (Parag. A, Items 1, 2 & 3)
.01 + 2.50 + 9.75 = 12.26 hours/trip

B. Assessment trip activities.

1. Day 1

a) Travel to airport from residence	0.50 hour
b) Check in, passport, security, wait.	2 hours
c) Flight.	4 hours
d) Arrival, passport, baggage, customs, travel to hotel.	1.50 hour
e) Settle in.	0.50 hour
f) Travel to Embassy.	0.50 hour
g) Initial meeting.	0.50 hour
h) Return to hotel.	0.50 hour

	10.00 hours

2. Day 2

a) Travel to Embassy.	0.50 hour
b) Meeting.	0.50 hour
c) Host government officials briefing.	3 hours
d) Travel to airport.	0.50 hour
e) Meeting.	1 hour
f) Walk around.	3 hours
g) Report writing.	3 hours

	11.50 hours

3. Days 3 and 4

a) Travel to airport.	0.50 hour
b) Observe U.S. and Foreign Part 129 LPOD air carrier security.	2 hour
c) Discussion with station manager.	2 hour
d) Observe U.S. carrier cargo/hazardous materials.	1.50 hour
e) Final discussion with station manager.	1 hour
f) Return to hotel.	1.50 hour
g) Report writing/review/discussion	2 hours

	10.50 hours

10.50 hours x 2 days = 21 hours

4. Day 5

a) Travel to foreign air carrier headquarters.	0.50 hour
b) Discussion with foreign air carrier.	1.50 hour
c) Travel to airport.	0.50 hour
d) Discussion with foreign air carrier station manager.	1 hour
e) Airport manager, cargo, perimeter, charter area.	3.75 hours
f) Return to hotel.	0.50 hour
g) Report writing.	3 hours

	10.75 hours

5. Day 6

a) Travel to airport.	0.50 hour
b) Charter.	2 hours
c) Out-briefing at airport.	2 hours
d) Travel to Embassy.	0.50 hour
e) Out-briefing at Embassy.	1 hour
f) Report writing/finalizing.	6 hours

	12 hours

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Total hours per airport assessment hours
(Par. B, Items 1 to 5) 65.5

Assessments/trip = 1st airport at 65.5 hours +
2nd airport at (65.5 - 3 hours flying) 62.5 hours =
127 hours/trip

6. Day 7

a) Return to office.	1.50 hour
b) Briefing.	0.50 hour
c) Type draft letters.	1 hour
d) Review and approval.	2 hours
e) Rewrite.	1 hour
f) Transmit.	0.25 hour
g) Final type.	0.25 hour

	6.50 hours

CONCLUSION

Preassessment	12.26 hours
Assessments (2)	127.00 hours
Postassessment	6.50 hours

	145.76 hours/trip

145.76 hours x 12 trips/year = 1749.12 hours/inspector/year

1749.12 divided by 1304 duty hours/year = 1.34 employee's year
work/inspector

12/18/91

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Appendix 5

DOS MESSAGE NO. 358794

SUBJECT: FOREIGN AIRPORT ASSESSMENTS OF SECURITY BY THE FEDERAL AVIATION ADMINISTRATION (FAA)

REFERENCE: 85 STATE 259681

1. THIS MESSAGE SUMMARIZES FOR POSTS' INFORMATION THE PROCEDURES WHICH SHOULD BE FOLLOWED IN THE EVENT AIRPORT SECURITY ASSESSMENTS ARE CONDUCTED BY THE FEDERAL AVIATION ADMINISTRATION.

2. PURSUANT TO THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985 SUMMARIZED IN REFTTEL,

"THE SECRETARY OF TRANSPORTATION SHALL CONDUCT AT SUCH INTERVALS AS THE SECRETARY SHALL DEEM NECESSARY AN ASSESSMENT OF THE EFFECTIVENESS OF THE SECURITY MEASURES MAINTAINED AT THOSE FOREIGN AIRPORTS BEING SERVED BY (U.S.) AIR CARRIERS, THOSE FOREIGN AIRPORTS FROM WHICH FOREIGN AIR CARRIERS SERVE THE UNITED STATES, THOSE FOREIGN AIRPORTS WHICH POSE A HIGH RISK OF INTRODUCING DANGER TO INTERNATIONAL AIR TRAVEL, AND AT SUCH OTHER AIRPORTS AS THE SECRETARY MAY DEEM APPROPRIATE."

AFTER SUCH ASSESSMENT IS MADE USING THE STANDARDS AND APPROPRIATE RECOMMENDED PRACTICES CONTAINED IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION'S ANNEX 17, THE SECRETARY OF TRANSPORTATION MAY DETERMINE THAT AN AIRPORT DOES NOT MAINTAIN AND ADMINISTER EFFECTIVE SECURITY MEASURES. SUCH A DETERMINATION BEGINS A PROCESS LEADING TO EVENTUAL SANCTIONS AGAINST THE FOREIGN AIRPORT.

3. THE ASSESSMENT VISITS BY THE SECURITY AGENTS OF THE FEDERAL AVIATION ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION TO FOREIGN AIRPORTS ARE ARRANGED THROUGH FOREIGN SERVICE POSTS. THE POSTS ARE REQUESTED FROM TIME TO TIME TO OBTAIN HOST GOVERNMENT APPROVAL, SCHEDULE VISITS, AND ARRANGE MEETINGS WITH APPROPRIATE HOST COUNTRY AIRPORT OFFICIALS.

4. IT IS IMPORTANT THAT THE RELEVANT POST OFFICIAL ACCOMPANY THE FAA SECURITY ASSESSMENT TEAM TO THE ENTRY AND EXIT BRIEFING MEETINGS WITH HOST COUNTRY OFFICIALS, SO THAT THE POST IS FULLY AWARE OF THE ONGOING STATE-OF-PLAY WITH RESPECT TO SECURITY AT THE INTERNATIONAL AIRPORTS ASSESSED AND CAN PARTICIPATE IN ANY FURTHER ACTIONS REQUESTED.

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5. IT IS EQUALLY IMPORTANT THAT THE POST NOT INITIATE ANY COMMUNICATION WITH HOST COUNTRY WITHOUT WASHINGTON APPROVAL WITH RESPECT TO THE FINDINGS OF THE SECURITY ASSESSMENT TEAM BEFORE RECEIPT OF EITHER DETERMINATION BY THE SECRETARY OF TRANSPORTATION OR AN FAA FORMAL REPORT. PREMATURE COMMUNICATION CAN LEAD TO MISUNDERSTANDINGS WITH ADVERSE CONSEQUENCES.

6. POSTS ARE REMINDED TO FOLLOW THE PROCEDURES SPECIFIED IN PARAS. 3, 4, AND 5 WHEN FAA SECURITY ASSESSMENT TEAMS ARE SENT TO THEIR HOST COUNTRY.

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Appendix 6



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

EUROPE, AFRICA AND MIDDLE EAST OFFICE
c/o American Embassy
APO New York 09667-1011

The Honorable [AMBASSADOR'S NAME]
American Ambassador
[CITY WHERE EMBASSY IS LOCATED, COUNTRY]

Dear Mr. Ambassador:

(FOUO) During the period October 4-15, 1988, a team of Federal Aviation Administration (FAA) security specialists visited the [CITY NAMES] International Airports. The purpose of this visit was twofold; first, to assess the security environment in which air carriers operate using the Standards and appropriate Recommended Practices contained in Annex 17 to the Convention on International Civil Aviation and secondly, to ensure compliance with FAA-mandated security regulations on the part of U.S. air carriers and foreign air carriers serving U.S. gateway airports.

(C) The team's visit was coordinated through [EMBASSY OFFICIAL] of your staff in [CITY WHERE EMBASSY IS LOCATED] and [CONSULATE OFFICIAL] of the Consulate in [CITY WHERE CONSULATE IS LOCATED]. As a result of the assessment, the team found the security measures in effect at the three airports to be in accordance with the Standards and appropriate Recommended Practices contained in Annex 17 to the Convention on International Civil Aviation. The team was especially pleased to learn of impending laws designed to strengthen perimeter and cargo security.

(FOUO) The team also observed the operations of Pan American World Airways and [Airline's Name] Airlines during the conduct of this visit. Both air carriers were found to be in compliance with applicable regulations.

(FOUO) During the visit, entry and exit briefings were held with appropriate airport and air carrier officials. The findings of the team were explained to all participants.

THIS SAMPLE IS UNCLASSIFIED

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(FOUO) Enclosed is a letter to [HOST AERONAUTIC OFFICIAL'S NAME AND TITLE] summarizing the team's findings and expressing our appreciation for the cooperation and time devoted to the assessment. I would appreciate your forwarding this letter in its classified form. The classified material in the enclosed letter was originally provided by, and discussed with, airport officials during the visit. It is in the best interest of both governments to afford special protection to information received as a result of FAA's implementation of Public Law 99-83.

Sincerely,

Lonnie D. Parrish
FAA Acting Director, Europe, Africa
and Middle East Office

Enclosure

Paragraph Explanations: The first paragraph contains information on when and where the assessment was conducted and the purpose of the assessment. The second paragraph explains through whom in the embassy and/or consulate the assessment trip was coordinated. The third paragraph explains that the team also conducted air carrier station inspections in conjunction with the assessment. The fourth paragraph explains that entry and exit briefings were conducted. The last paragraph asks that the enclosed letter to the host government summarizing the assessment results be forwarded to the appropriate official. It also explains why information in the letter is classified.

THIS SAMPLE IS UNCLASSIFIED

12/18/91

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Appendix 7



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave S W
Washington, D.C 20591

EUROPE, AFRICA AND MIDDLE EAST OFFICE
c/o American Embassy
27, Blvd du Regent
B-1000 Brussels, Belgium

[AERONAUTICAL OFFICIAL]
[ADDRESS]

Dear [AERONAUTICAL OFFICIAL]:

(U) During the period [MONTH, DAYS, YEAR], a team of Federal Aviation Administration (FAA) civil aviation security specialists, representing the U. S. Secretary of Transportation, conducted an assessment of the effectiveness of the security measures at [CITY NAME(S)] International Airport. Similar assessments were conducted at [CITY NAME(S)] on [MONTH, DAYS, YEAR]. These assessments were conducted after coordination and consultation with the civil aviation authorities of your government.

(U) We believe it is in the best interests of both governments to afford special protection to information received during assessments such as these. For that reason, we have classified any information pertaining to a specific security measure as Confidential (C) and all other information For Official Use Only (FOUO), hence the letters preceding each paragraph.

(C) Based upon the assessment team's findings, it was determined that effective security measures were being practiced at all three airports in accordance with the Standards and appropriate Recommended Practices contained in Annex 17 to the Convention on International Civil Aviation.

(C) The team felt discussions with airport officials constituted a positive exchange of information, and they were pleased to learn of new laws, effective 1989, which will require the screening of cargo and also will set minimum standards on perimeter fencing. During exit briefings at specific airports, discussion centered around enhancements of existing conditions.

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12/18/91

(C) In [FIRST AIRPORT CITY], the team offered suggestions for enhancing security on reinforcing the drop-arm barrier at vehicle access gate ___ to preclude a vehicle break through, and in [SECOND AIRPORT CITY], further discussions were held relative to the installation of a screening station for transit passengers.

(U) This visit also included an inspection of [U.S. AIR CARRIER] and consultations with [FOREIGN AIR CARRIER] in reference to the security procedures for operations to the United States. Both air carriers were found to be in compliance with applicable U.S. regulations.

(U) With your concurrence, we plan to visit airports in [COUNTRY NAME] in the future. We will coordinate the exact dates of this visit well in advance through the U.S. Embassy in [CITY NAME WHERE U.S. EMBASSY IS LOCATED].

(U) We sincerely appreciate the courtesy and assistance provided by your office and all of the officials at the airports visited. We are also grateful for your continued support of, and active interest in, international civil aviation security.

Sincerely,

Lonnie D. Parrish
FAA Acting Director, Europe, Africa
and Middle East Office

THIS SAMPLE IS UNCLASSIFIED

Paragraph Explanations: The first paragraph contains information on when and where the assessment was conducted and the fact that it was coordinated with the host government. The second paragraph explains why the assessment information is classified and the markings on the letter. The third paragraph contains information on the effectiveness of security at the airport. Note: The team did not make the determination. Instead, the determination was made based on the team's findings. The fourth and fifth paragraphs contain specific information on the airport assessed. Note: When appropriate, a complimentary statement can be useful in building positive relations. The sixth paragraph pertains to air carrier station inspections. It is useful to let the host government know that FAA also does station inspections in conjunction with an assessment visit. The seventh paragraph contains information on future visits and how they will be coordinated. The last paragraph thanks the host government for its cooperation.

THIS SAMPLE IS UNCLASSIFIED

FOREIGN ASSESSMENT PROGRAM
ACS-100 REVIEW PROCESS